



# UNITED STATES PATENT AND TRADEMARK OFFICE

mm

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,239	12/12/2003	Yang Moon Kim	1293.1999	9454
21171	7590	04/09/2007		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER CAO, DIEM K	
			ART UNIT	PAPER NUMBER
			2194	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/733,239

Applicant(s)

KIM ET AL.

Examiner

Diem K. Cao

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 1/5/05, 1/27/05, 9/21/05.

WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-30 are presented for examination.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 12 is directed to an apparatus, however, the claim fails to cite any physical article or object in order to meet the requirements of being a manufacture or machine claim.

Claims 13-21 depend on claim 12 and do not provide any physical article or object, therefore, claims 13-21 are rejected for the same reason above.

See MPEP 2106 and 2107.

#### ***Claim Objections***

3. Claims 26-28 are objected to because of the following informalities: claim 26 recites "installing the retrieved drivers" in line 6, "driver" should be used instead because line 1 recites "a device driver". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**5. Claims 1, 11, 12, 21, 22, 25 and 29-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Chiloyan et al. (U.S. 2002/0083228 A1).**

As to claim 1, Chiloyan teaches a method for installing a device driver for driving a peripheral (the host device may download a device driver for the peripheral device; page 2, paragraph 8), comprising:

- determining whether peripheral identification information has been obtained from the peripheral (Operating system detects ... and a product ID; page 5, paragraph 36),
- combining a basic address of an Internet or Intranet site, providing a driver for the peripheral, and the peripheral identification information and generating a combined address, when it is determined that the peripheral identification information has been obtained (Once these ID ... the network address ... the ID; page 5, paragraph 37 and the operating system performs ... `www.<vendorIDname>.com/<modelIDname>/support`; page 5, paragraph 39),
- determining whether the combined address has been accessed (the operating system .. access the network address; page 5, paragraph 40),
- retrieving the driver from the combined address when it has been determined that the combined address has been accessed (After accessing the network address ... download of the device driver ... at the network address; col. 5, lines 41), and
- installing the retrieved driver (Once received, the device driver and/or other software is

Art Unit: 2194

installed on the host computer; col. 5, paragraph 42).

As to claim 11, Chiloyan teaches the driver is installed in the peripheral and/or the host (Once received, the device driver and/or other software is installed on the host computer; col. 5, paragraph 42).

As to claim 12, it is the same as the method claim of claim 1 except it is an apparatus claim, and is rejected under the same ground of rejection.

As to claim 21, see rejection of claim 11 above.

As to claim 22, see rejection of claim 1 above.

As to claim 25, see rejection of claim 11 above.

As to claim 29, it is the same as the method claim of claim 1 except it is a computer product claim, and is rejected under the same ground of rejection.

As to claim 30, it is the same as the method claim of claim 22 except it is a computer product claim, and is rejected under the same ground of rejection.

**6. Claim 6 is rejected under 35 U.S.C. 102(e) as being anticipated by Fleming, III (U.S. 6,473,854 B1).**

Art Unit: 2194

As to claim 26, Fleming teaches an apparatus for installing in a host a device driver for driving a peripheral (abstract), comprising

- a peripheral generating a combined address using stored combined information and provides the combined address to the host (Device 102 .. memory 104, non-volatile memory ... network 111; col. 4, lines 6-7 and 13-16),

- a host accessing the combined address provided from the peripheral (uses URL ... network 111; col. 4, lines 25-32), retrieving the driver provided at the combined address (retrieve current driver; col. 4, lines 25-32), and installing the retrieved drivers (installed within computer system; col. 4, lines 25-32),

- wherein the combined information includes a basic address of an Internet or Intranet site providing the driver (server 112 ... current driver 116; col. 3, lines 41-51 and URL 106 ... the Internet; col. 4, lines 17-20).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 3-6, 13-15 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiloyan et al. (U.S. 2002/0083228 A1).**

As to claim 3, Chiloyan does not explicitly teach sending a first message to a user representing that the peripheral identification information has not been obtained, when the peripheral identification information has not been obtained. However, Chiloyan teaches in another embodiment that the user is required to manually install the device driver if the address for the driver cannot be obtained (page 5, paragraph 40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Chiloyan in view of another embodiment to provide error message to the user when the peripheral identification information cannot be obtained so the user can be aware of the problem during the installation process.

As to claim 4, Chiloyan does not teach checking an operational state of the peripheral and informing a user of a result of the check when it is determined that the peripheral identification information has not been obtained. However, Chiloyan teaches the host system can access the device for information (Operating system detects ... and a product ID; page 5, paragraph 36). It would have been obvious to one of ordinary skill in the art to modify the system of Chiloyan to provide the user with occurred problem during the installation process so the user can fix the problem.

As to claim 5, Chiloyan does not explicitly teach determining whether a user again requests installation of the driver after being informed of a result of the operational state of the peripheral, and repeating the determining of whether the peripheral identification information has been obtained when it is determined that the installation of the driver is again requested.

Art Unit: 2194

However, Chiloyan teaches in another embodiment that the user is required to manually install the device driver if the address for the driver cannot be obtained (page 5, paragraph 40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve the system of Chiloyan to retry the process again prior to manually loaded the driver because it will avoid errors/difficult occurred to the user (page 1, paragraph 5).

As to claim 6, Chiloyan teaches accessing the basic address and manually finding the driver, when it is determined that installation of the driver has not again been requested (manually installation; page 5, paragraph 40).

As to claims 13-15, see rejections of claims 3-5 above.

As to claim 24, Chiloyan teaches determining whether the user requests the installation of the driver in the peripheral rather than the host (pages 6-7, paragraph 49). Chiloyan does not teach proceeding to the changing of the portions of the combined information when it is determined that the user requests the peripheral for installation of the driver. However, Chiloyan teaches loading manually typically involves inserting a storage medium, or downloading the device driver via the Internet, or following another procedure that requires user intervention or action (page 5, paragraph 40). It would have been obvious to one of ordinary skill in the art at the time the invention was made that "proceeding to the changing of the portions of the combined information when it is determined that the user requests the peripheral for installation of the driver" should have been performed if the user decide to load the driver from the storage



medium.

**9. Claims 2, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiloyan et al. (U.S. 2002/0083228 A1) in view of Fleming, III (U.S. 6,473,854 B1).**

As to claim 2, Chiloyan does not explicitly teach wherein, when it is determined that the peripheral identification information has been obtained, in the combining of the basic address and the peripheral identification information and generating of the combined address, at least information of one of a predetermined operating system (OS), a default language of the OS, and an extension of the OS, are combined with the basic address and the peripheral identification information to generate the combined address.

However, Fleming teaches an identifier for computer system is also sent to the server when request the driver for the device (col. 5, lines 9-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Fleming to the system of Chiloyan because Fleming teaches including identifier for the computer system helps the server to return a version of current driver that is tailored to that computer system (col. 5, lines 14-16).

As to claim 23, see rejection of claim 2 above.

**10. Claims 7-10, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiloyan et al. (U.S. 2002/0083228 A1) in view of Lortz et al. (U.S. 6,418,486 B1).**

As to claim 7, Chiloyan does not explicitly teach sending a second message to a user indicating that the combined address has not been accessed when it is determined that the combined address has not been accessed. Lortz teaches sending a second message to a user indicating that the combined address has not been accessed when it is determined that the combined address has not been accessed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Lortz to the system of Chiloyan because letting the host know the problem would provide the user/host with occurred problem during the installation process so the host/user can fix the problem.

As to claim 8, Chiloyan does not teach checking an access environment of the combined address and informing a user of a result of the check, when it is determined that the combined address has not been accessed. However, Lortz teaches checking an access environment of the combined address and informing a user of a result of the check, when it is determined that the combined address has not been accessed (col. 7, lines 24-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Lortz to the system of Chiloyan because letting the host know the problem would provide the user/host with occurred problem during the installation process so the host/user can fix the problem.

As to claim 9, Chiloyan does not explicitly teach determining whether installation of the driver has again been requested after the informing of the result of the checking of the access environment and repeating the determining of whether the combined address has been accessed

Art Unit: 2194

when it is determined that installation of the driver has again been requested. However, Chiloyan teaches in the user is required to manually install the device driver if the address for the driver cannot be obtained (page 5, paragraph 40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Chiloyan in view of another embodiment to repeat the request instead of manually install the driver because it will avoid errors/difficult occurred to the user (page 1, paragraph 5).

As to claim 10, Chiloyan teaches accessing the basic address and manually finding the driver, when it is determined that installation of the driver has not again been requested (page 5, paragraph 40).

As to claim 16, see rejection of claim 10 above.

As to claims 17-20, see rejections of claims 7-10 above.

**11. Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming, III (U.S. 6,473,854 B1) in view of Chiloyan et al. (U.S. 2002/0083228 A1).**

As to claim 27, Fleming teaches a storage unit storing the combined information (non-volatile memory 104; col. 4, line2 13-14), an address transmission unit transmitting the combined address to the host (network interface controller; col. 4, lines 2-4).

Fleming does not teach a first manipulation unit manipulated by a user who requests installation of the driver and generating an installation request signal, and a second address

Art Unit: 2194

generation unit generating the combined address from the combined information read out from the storage unit in response to the installation request signal. However, Chiloyan teaches combined information read out from the storage unit in response to the installation request signal (Once these ID ... the network address ... the ID; page 5, paragraph 37 and the operating system performs ... [www.<vendorIDname>.com/<modelIDname>/support](http://www.<vendorIDname>.com/<modelIDname>/support); page 5, paragraph 39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Chiloyan to the system of Fleming because Chiloyan provides a different method to generate network address that can be used to obtain the driver for the device.

As to claim 28, see rejection of claim 2 above.

### *Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diem K. Cao whose telephone number is (571) 272-3760. The examiner can normally be reached on Monday - Friday, 7:30AM - 3:30PM.

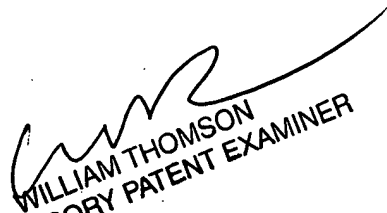
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2194

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC

March 28, 2007

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER